

EPA Registration Jacket 86794-1

Part 2

UNITED STATES



FCL20237791

Return Receipt for International Mail
(Registered, Insured, Recorded Delivery, Express Mail)Postmark of
the office
returning the
receipt
Timbre du
bureau
renvoyant
l'avisDEC 07 2015
Par AvionE.
d'AmériqueReturn by the
quickest route
(air or surface
mail), a découvert
and postage free.....The sender completes and indicates the address for the return of this receipt.
(A remplir par l'expéditeur, qui indiquera son adresse pour le renvoi de présent avis.)

Name or Firm (Nom ou raison sociale)

U. S. ENVIRONMENTAL PROTECTION AGENCY

Registration Division

A renvoyer par
la voie la plus
rapide (aérienne
ou de surface),
à découvert et
en franchise de
port.Street a Attn: Reuben Baris MC 7505P
City, St. 1200 Pennsylvania Avenue NW
Washington, DC 20460

UNITED STATES OF AMERICA

Etats-Unis d'Amérique


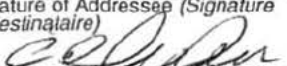
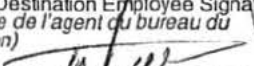
PS Form 2865, February 1997

Avis de réception**CN07 (Old C5)**

Completed by the office of origin.
(À remplir par le bureau d'origine.)

Item Description (Nature de l'envoi)	<input checked="" type="checkbox"/> Registered Article (Envoi recommandé) <input checked="" type="checkbox"/> Letter (Lettre) <input type="checkbox"/> Printed Matter (Imprimé) <input type="checkbox"/> Other (Autre)	<input type="checkbox"/> Recorded Delivery (Envoi à livraison attestée) <input type="checkbox"/> Express Mail International
<input type="checkbox"/> Insured Parcel (Colis avec valeur déclarée) In: RE 976 342 490 US	Date of Posting (Date de dépôt)	
Addressee Name Jerry Kellman New Agco, Inc.		
Street and No. (Rue) "Orena" St. Lawrence Main Road Christ Church BB 15029, Barbados		
Place and Country (Localité et pays)		

Completed at destination.
(À compléter à destination.)

This receipt must be signed by: (1) the addressee; or, (2) a person authorized to sign under the regulations of the country of destination; or, (3) if those regulations so provide, by the employee of the office of destination. This signed form will be returned to the sender by the first mail. (Cet avis doit être signé par le destinataire ou par une personne y autorisée en vertu des règlements du pays de destination, ou, si ces règlements le comportent, par l'agent du bureau de destination, et renvoyé par le premier courrier directement à l'expéditeur.)		Postmark of the office of destination (Timbre du bureau de destination)
<input type="checkbox"/> The article mentioned above was duly delivered. (L'envoi mentionné ci-dessus a été dûment livré.)	Date 12-11-2015	
Signature of Addressee (Signature du destinataire) 	Office of Destination Employee Signature (Signature de l'agent du bureau de destination) 	

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

James P. Rathvon
Counsel for New Agco, Inc.
Paley Rothman
4000 Hampden Lane, 7th Floor
Bethesda, Maryland, 20814

2. Article Number

(Transfer from service label)

7008 3230 0000 9474 2863

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X M. DAZW

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

M. DAZW

C. Date of Delivery

10/27/15

D. Is delivery address different from item 1?

If YES, enter delivery address below:

- ☐ Yes
☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

- ☐ Yes

7008 3230 0000 9474 2863

PS Form 3800, August 2006

See Reverse for Instructions

Sent To
Street, Apt. No.,
or PO Box No.
City, State, ZIP+4

James P. Rathvon
Counsel for New Agco, Inc.
Paley Rothman
4000 Hampden Lane, 7th Floor
Bethesda, Maryland, 20814

Total Postage & Fees

Postage \$

Certified Fee

Return Receipt Fee (Endorsement Required)

Restricted Delivery Fee (Endorsement Required)

Postmark Here

U.S. Postal ServiceTM

CERTIFIED MAILTM RECEIPT

(Domestic Mail Only: No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

PS Form 3806, Receipt for Registered Mail Copy 1 - Customer
May 2007 (7530-02-000-9051)
For domestic delivery information, visit our website at www.usps.com

To Be Completed By Customer (Please Print)
All Entries Must Be in Ballpoint or Typed

TO FROM

Bethesda, MD
1300 Pennsylvania Avenue NW
Washington, D.C. 20004
Jerry Kellner
New Agco, Inc.
10000 St. Lawrence Main Road
Christ Church Bk. 18029 Barbados

To Be Completed by Post Office

Customer Must Declare Full Value \$19.00

Domestic insurance up to \$25,000 is included based upon the declared value. International indemnity is limited. (See Reverse)

Received by

Postage \$1.20

Return Receipt for Merchandise \$3.85

Return Receipt for Restricted Delivery

Reg Fee \$13.45

Date Stamp
10-22-15
KO
1:57 PM
4

CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)For delivery information visit our website at www.usps.com**OFFICIAL USE**

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

Sent To

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions

James P. Rathvon**Counsel for New Agco, Inc.****Paley Rothman****4000 Hampden Lane, 7th Floor****Bethesda, Maryland, 20814**Postmark
Here10-20-05
SEND

HE976342 490 US

Reg. Fee

\$13.95

Handling

Charge

Postage

\$1.20

Received by

Return

Receipt

Restricted

Delivery

\$3.85

Customer Must Declare

Full Value \$19.00

Domestic insurance up to \$25,000 is included
based upon the declared value. International
indemnity is limited. (See Reverse).

Date Stamp

10-22-15

KO

1:57PM

OFFICIAL USETo Be Completed By Customer
(Please Print)
All Entries Must Be in Ballpoint or Typed

FROM

Beuben Baris

1200 Pennsylvania Avenue NW

7505P

Washington, D.C. 20460

Jerry Kellman

New Agco, Inc.

"Oron" St. Lawrence Main Road

Christ Church BB 15029 Barbados

TO

PS Form 3806,

Receipt for Registered Mail

Copy 1 - Customer

May 2007 (7530-02-000-9051)

(See Information on Reverse)

For domestic delivery information, visit our website at www.usps.com**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

James P. Rathvon**Counsel for New Agco, Inc.****Paley Rothman****4000 Hampden Lane, 7th Floor****Bethesda, Maryland, 20814****COMPLETE THIS SECTION ON DELIVERY**

A. Signature

x M. DAZW

☐ Agent☐ Addressee

B. Received by (Printed Name)

M. DAZW

C. Date of Delivery

10/27/15

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7008 3230 0000 9474 2863

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

October 16, 2015

James P. Rathvon
Counsel for NewAgco, Inc.
Paley Rothman
4000 Hampden Lane, 7th floor
Bethesda, Maryland 20814

Jerry Kellman
NewAgco, Inc.
"Orena" St. Lawrence Main Rd.
Christ Church BB 15029, Barbados

Stanley H. Abramson, Esq.
Donald C. McLean, Esq.
Counsel for Monsanto Company
Arent Fox LLP
1717 K Street, NW
Washington, DC 20036-5342

Re: Order on Monsanto Co.'s March 5, 2015 Petition to Cancel Glyphosate Registrations of NewAgco, Inc. (EPA Registration Numbers 86794-1, 86794-2 and 86794-3)

Dear Messrs. Rathvon, Kellman, Abramson and McLean:

On March 5, 2015, Monsanto Company ("Monsanto") submitted to the United States Environmental Protection Agency ("EPA") a petition to cancel glyphosate herbicide registrations of NewAgco, Inc. ("NewAgco") for failure to comply with the terms of a data-compensation agreement. EPA sent a letter to New Agco with a copy to Monsanto counsel on July 16, 2015, providing a 15-day Notice that, after considering any response, EPA would determine whether to cancel such registrations without further hearing. *See* Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA") § 3(c)(1)(F)(iii), 7 U.S.C. § 136a(c)(1)(F)(iii); 40 C.F.R. § 152.99(c)(2). New Agco did not respond to the July 16, 2015 letter.

EPA explained in its July 16, 2015 letter, based on Monsanto's petition and attachments that NewAgco appeared to have failed to comply with the terms of a written Settlement Agreement, subsequently amended, regarding NewAgco's data compensation obligations. *March 25, 2014 "2nd Amendment to Glyphosate Data Use and Compensation Agreement."* In particular, Monsanto's petition asserted that NewAgco made its first three installment payments

under the Settlement Agreement, but then failed to continue the series of payments required by such Agreement and requested that EPA therefore cancel NewAgco's glyphosate registrations. *Petition of Monsanto Co. to Cancel the Glyphosate Registrations of NewAgco, Inc. (EPA Registration Numbers 86794-1, 86794-2 and 86794-3)(March 5, 2015)*. NewAgco acknowledged such failure on May 4, 2015. *Letter from James P. Rathvon to Kevin McLean, Re: Monsanto's Petition to Cancel NewAgco's Glyphosate Registrations, May 4, 2015*

Because Monsanto's petition documented NewAgco's failure to continue payments under the parties' data-compensation agreement and because NewAgco has not disputed that the agreed-upon payments ceased, EPA finds that NewAgco "has failed to comply with the terms of an agreement on compensation." 40 C.F.R. § 152.99(a)(1)(ii). Therefore, pursuant to FIFRA section 3(c)(1)(F)(iii) and 40 C.F.R. § 152.99 for the reasons explained herein and in EPA's letter of July 16, 2015, EPA hereby cancels NewAgco's registrations of Glyphosate Technical (EPA Reg. No. 86794-1), Glyphosate Fully Loaded 41 Plus (EPA Reg. No. 86794-2), and Glyphosate 62% MUP (EPA Reg. No. 86794-3) without further hearing. This Cancellation Order is a final Agency action.

Disposition of Existing Stocks

This Cancellation Order includes the following existing stocks provisions. Any distribution, sale, or use of these products in a manner inconsistent with this order, including the provisions below regarding the disposition of existing stocks, will be considered a violation of section 12(a)(2)(K) and/or 12(a)(1)(A) of FIFRA.

For purposes of this Order, the term "existing stocks" is defined, pursuant to EPA's existing stocks policy (56 FR 29362 (June 26, 1991)) as those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the cancellation action.


- a. Distribution or sale by the registrant: Distribution or sale by the registrant of existing stocks of all cancelled products listed below is prohibited, except for the purposes of proper disposal; or export consistent with FIFRA section 17.
- b. Distribution or sale by a supplemental distributor of distributor product pursuant to 40 C.F.R. § 152.132: Distribution or sale by a supplemental distributor of existing stocks of distributor products of all cancelled products listed below is prohibited, except for the purposes of: proper disposal; export consistent with FIFRA section 17; or sale or distribution back to the registrant (or another supplemental distributor) for proper disposal or export.
- c. Distribution or sale by persons other than the registrant or a supplemental distributor: Distribution or sale by persons other than the registrant (or a supplemental distributor of the registrant) of existing stocks of all cancelled products listed below is permitted until such stocks are depleted.

d. Use: Use of existing stocks of all cancelled products listed below is permitted until such stocks are depleted, provided that such use of existing stocks is consistent in all respects with the previously-approved labeling accompanying the product.

e. List of Cancelled Products:

1. Glyphosate Technical (EPA Reg. No. 86794-1)
2. Glyphosate Fully Loaded 41 Plus (EPA Reg. No. 86794-2)
3. Glyphosate 62% MUP (EPA Reg. No. 86794-3)

Sincerely,

A handwritten signature in cursive script that reads "Susan T. Lewis".

Susan Lewis, Director
Registration Division (7505P)
Office of Pesticide Programs

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

7/17/15

Postmark Here

Sent To: **Jerry Kellman**
NewAgro, Inc.
"Orena" St. Lawrence Main Rd.
Christ Church BB 15029, Barbados

PS Form 3800, August 2006

See Reverse for Instructions

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	

7/17/15

Postmark Here

Sent To: **James P. Raghvon**
Counsel for NewAgco, Inc.
Paley Rothman
4000 Hampden Lane, 7th Floor
Bethesda, Maryland 20814

PS Form 3800, August 2006

See Reverse for Instructions

U.S. Postal Service™ INSURED MAIL RECEIPT

OFFICIAL USE

Postage	\$	<input type="checkbox"/> Fragile <input type="checkbox"/> Liquid
Insurance Fee		<input type="checkbox"/> Perishable
Restricted Delivery Fee (Domestic only; endorsement required)		Insurance Coverage:
Special Handling Fee		
Return Receipt Fee (Except for Canada; endorsement required)		
Total Postage & Fees	\$	Postmark Here

Sent to: **Jerry Kellman, NewAgro, Inc.**
"ORENE" ST LAWRENCE MAIN ROAD
CHRIST CHURCH BB 15029 BARBADOS

PS Form 3813-P, May 2004

See Reverse for Instructions

Registered No. **RE976342194US**

Reg. Fee	\$13.95
Handling Charge	
Postage	\$1.20
Received by	
Return Receipt	\$3.85
Restricted Delivery	

To Be Completed By Post Office

Customer Must Declare Full Value \$19.00

Domestic Insurance up to \$25,000 is included based upon the declared value. International Indemnity is limited. (See Reverse)

Date Stamp
7/22/15
2:59PM
KO

OFFICIAL USE

FROM	Reuben Baris 1200 Pennsylvania Avenue NW Mailcode 7505P Washington D.C. 20460 Jerry Kellman NewAgro Inc.
TO	"ORENE" St. Lawrence Main Road Christ Church BB 15029 Barbados

PS Form 3806, Receipt for Registered Mail May 2007 (7530-02-000-9051)

Copy 1 - Customer (See Information on Reverse)

For domestic delivery information, visit our website at www.usps.com



Return Receipt for International Mail

(Registered Mail and Certified Mail)

Administration
des Postes des
États-Unis
d'Amérique

7507
AL 24 2015

Par Avion



FCL20231607

Mark of
the
du

avis

Return by the fastest route air or surface (mail), a découvert and postage free.....	The sender completes and indicates the address for the return of this receipt. (A remp.)	
	Name of	US Environmental Protection Agency (envoi du présent avis.)
		Attn: Reuben Baris
		Registration Division
		Herbicide Branch
renvoyer par voie la plus rapide (aérienne ou de surface), découvert et à franchise de port.	Street address	1200 Pennsylvania Avenue NW
	City, State	Washington, DC 20460
	UNITED STATES OF AMERICA	
	Etats-Unis d'Amérique	

PS Form 2865, February 1997

Avis de réception

CN07 (Old C5)

Completed by the office of origin.
(A remplir par le bureau d'origine.)

☐ Article (Envoi recommandé)
☒ Letter (Lettre)
☐ Matter (Imprimé)
☐ Other (Autre)
☐ (Envoi à livraison attestée)
☐ Mail International

Insured Parcel
☐ (Colis avec valeur déclarée)

Insured Value (Valeur déclarée) RE 976 342 194 US
 Article Number

Office of Mailing (Bureau de dépôt)
 Date of Posting (Date de dépôt)

Addressee Name or Firm
Jerry Kellman
 Street and No. (Rue et No.)
NewAgro, Inc.
"Orena" St. Lawrence Main Road
 Place and Country (Lieu et Pays)
Christ Church BB 15029, Barbados

This receipt must be signed by: (1) the addressee; or, (2) a person authorized to sign under the regulations of the country of destination, or (3) if those regulations so provide, by the employee of the office of destination. This signed form will be returned to the sender by the first mail.
 (Cet avis doit être signé par le destinataire ou par une personne y autorisée en vertu des règlements du pays de destination, ou, si ces règlements le comportent, par l'agent du bureau de destination, et renvoyé par le premier courrier directement à l'expéditeur.)

☐ The article mentioned above was duly delivered.
 (L'envoi mentionné ci-dessus a été dûment livré.)

Date
7-8-14

Signature of Addressee (Signature du destinataire)


Office of Destination Employee Signature (Signature de l'agent du bureau de destination)


Postmark of the office of destination (Timbre du bureau de destination)


S Form 2865, February 1997 (Reverse)

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

James P. Raghvon
Counsel for NewAgco, Inc.
Paley Rothman
4000 Hampden Lane, 7th Floor
Bethesda, Maryland 20814

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x M. DAZW

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

7/22/15

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Article Number

(Transfer from service label)

7008 3230 0000 9475 4750

Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

UNITED STATES POSTAL SERVICE
CAG DISTRICT
ND 307
22 JUL '15
PM 11

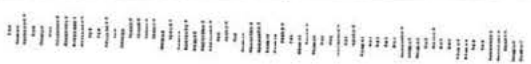


First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •



US Environmental Protection Agency
Attn: Reuben Baris 7505P
Registration Division
Herbicide Branch
1200 Pennsylvania Avenue NW
Washington, DC 20460





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

July 16, 2015

James P. Rathvon
Counsel for NewAgco, Inc.
Paley Rothman
4000 Hampden Lane, 7th floor
Bethesda, Maryland 20814

Jerry Kellman
NewAgco, Inc.
"Orena" St. Lawrence Main Rd.
Christ Church BB 15029, Barbados

**Re: Monsanto Co.'s March 2, 2015 Petition to Cancel Glyphosate Registrations of NewAgco, Inc.
(EPA Registration Numbers 867194-1, 86794-2 and 86794-3)**

Dear Mr. Rathvon and Mr. Kellman:

The United States Environmental Protection Agency ("EPA") received Monsanto Company's ("Monsanto") petition referenced above pursuant to the data use and compensation provisions of Section 3(c)(1)(F) of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"). Monsanto representatives sent that petition to EPA on March 5, 2015 with copies to Jerry Kellman of NewAgco, Inc. ("NewAgco"), Jason Mann and Craig Rath.

Monsanto's petition alleges that NewAgco obtained three registrations (Glyphosate Technical (EPA Reg. No. 86794-1); Glyphosate Fully Loaded 41 Plus (EPA Reg. No. 86794-2); and Glyphosate 62% MUP (EPA Reg. No. 86794-3)) relying on data owned and submitted by Monsanto in support of Monsanto's glyphosate registrations. EPA Reg. No. 86794-1 and EPA Reg. No. 86794-2 were issued on November 15, 2010, and EPA Reg. No. 86794-3 was issued on September 11, 2013. These follow-on glyphosate registrations were granted, in part, on NewAgco's reliance on Monsanto data. Monsanto and NewAgco entered into a written Settlement Agreement, subsequently amended, to resolve the dispute over NewAgco's data compensation obligations. *March 25, 2014 "2nd Amendment to Glyphosate Data Use and Compensation Agreement."* Monsanto's petition asserts that NewAgco made its first three installment payments under the Settlement Agreement, but then failed to make its next payment due by December 20, 2014 and has made no further payments. Monsanto asserts that NewAgco has failed to continue the series of payments required by such Agreement and requests that EPA therefore cancel NewAgco's glyphosate registrations. *Petition of Monsanto Co. to Cancel the Glyphosate Registrations of NewAgco, Inc. (EPA Registration Numbers 86794-1, 86794-2 and 86794-3)(March 5, 2015).*

NewAgco responded to Monsanto's petition to cancel on May 4, 2015. NewAgco does not contest Monsanto's assertion that NewAgco has not complied with the terms of the Settlement Agreement. NewAgco acknowledged its intent to pay Monsanto the full amount of the agreed-upon data compensation, but needs more time to make the outstanding payments. NewAgco requests EPA deny Monsanto's petition or hold it in abeyance until NewAgco remits payments of the amount outstanding. *Letter from James P. Rathvon to Kevin McLean, Re: Monsanto's Petition to Cancel NewAgco's Glyphosate Registrations, May 4, 2015.*

NewAgco has failed to continue the series of payments required by the Settlement Agreement and requests an unspecified future date to pay the outstanding balance of the data compensation owed Monsanto, but that is not provided for in the Settlement Agreement. Based on the information provided in Monsanto's petition to cancel and NewAgco's response, EPA has determined that NewAgco has failed to comply with the terms of the Settlement Agreement concerning data compensation entered into by the parties. EPA therefore intends to cancel the NewAgco registrations listed above pursuant to FIFRA § 3 (c)(1)(F)(iii), 7 U.S.C. § 136a(c)(1)(F)(iii); 40 CFR § 159.99(c)(2). Pursuant to that provision, EPA is providing NewAgco with 15 days' notice of EPA's intent to cancel. NewAgco has 15 days from the date of delivery of this notice to respond. Such cancellations of registrations would be a final Agency action. Please submit any response to the following:

Ariadne Goerke
Pesticides & Toxic Substances Law Office
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW (MC 2333A)
Washington, DC 20460
goerke.ariadne@epa.gov

and

Daniel Rosenblatt
Deputy Director, Registration Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW (MC 7505P)
Washington, DC 20460
rosenblatt.dan@epa.gov

Sincerely,



Susan Lewis, Director
Registration Division (7505P)
Office of Pesticide Programs

cc: Stanley H. Abramson, Esq.
Donald C. McLean, Esq.
Counsel for Monsanto Company
Arent Fox LLP
1050 Connecticut Avenue, NW
Washington, DC 20036-5339
Email: Abramson.stanely@arentfox.com
Mclean.donald@arentfox.com



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Note to File

Date: April 20, 2016

Registration Number: 86794-1

Decision Number: 502976

PM Name: Reuben Baris

Background: Petition to cancel received by the Agency for failure to comply with data compensation terms.

Decision: R352 was administratively withdrawn since the petition to cancel was granted.

PRIA 3 – 21 Day Content Screen Review Worksheet

(EPA/OPP Use Only)

September 2012

21 Day Screen Start Date: 3-30-15

Experts In-Processing Signature: B.B.

Date 4-3-15

Fee Paid: Yes ☒

Division management contacted on issues No ☐ Yes ☐ Date _____

EPA Reg. Number: <u>86794-1</u>		EPA Receipt Date: <u>3-30-15</u>				
Items for Review				Yes	No	N/A*
1	Application Form (EPA Form 8570-1) signed & complete including package type			X		
2	Confidential Statement of Formula all boxes completed, form signed, and dated (EPA Form 8570-4)					X
	a) All <u>inerts</u> , including fragrances, approved for the proposed uses (see Footnote A)	yes	no			
	<i>No inerts to review</i>					
3	Certification with Respect to Citation of Data (EPA Form 8570-34) completed and signed (N/A if 100% repack)			X		
	Certificate and data matrix consistent			X		
	If applicant is relying on data that are compensable, is the offer to pay statement included. (see Footnote B)	yes	no			
	If applicable, is there a letter of Authorization for exclusive use only.					
4	Formulator's Exemption Statement (EPA Form 8570-27) completed and signed (N/A if source is unregistered or applicant owns the technical)					X
	Data Matrix (EPA Form 8570-35) both internal and external copies (PR 98-5) completed and signed (N/A if 100% repack)			X		
5	a) Selective Method (Fee category experts use)	yes	no			
	b) Cite-All (Fee category experts use)	X				
	c) Applicant owns all data (Fee category experts use)					
6	5 Copies of <u>Label</u> (Electronic labels on CD are encouraged and guidance is available)			X		
7	Is the data package consistent with <u>PR Notice 86-5</u>					X
8	<u>Notice of Filing</u> included with <u>petitions</u>					X

9	If applicable for conventional applications, <u>reduced risk rationale</u>			X
10	<u>Required Data</u> and/or data waivers. See Footnote C.			
	a) List study (or studies) not included with application			

Comments:

Ticket Received: 4-6-15

* Documentation: PASS / FAZL

- request forms are complete

- related to Reg # 86794-2 (S: 466273)
86794-3 (S: 766274)

* Trends: PASS / FAZL

- no Trends to review

* PRN 11-3: PASS / FAZL

no studies submitted

* Overall Status: PASS / FAZL

JLV 4-13-15

* N/A – Not Applicable

Footnotes

A. During the 21 day initial content review, all CSFs will be reviewed to determine whether all inerts listed, including fragrances, are approved for the proposed uses or have an application pending with the Agency. If an unapproved inert with no application pending with the Agency is identified, the applicant must either 1) resolve the inert issue by, for example, removing the inert, substituting it with an approved inert, submitting documentation that EPA approved the inert for the proposed pesticidal uses, correcting mistakes on the CSF, etc. or 2) provide the data to support OPP approval of the inert or 3) withdraw the application. Removing or substituting an inert ingredient will require a new CSF and may require submission of data. All information, forms, data and documentation resolving the inert issue must have been received by the Agency or the application withdrawn within the 21 day period, otherwise, the Agency will reject the application as described below.

To successfully complete this aspect of the 21 day initial content screen, applicants are **strongly encouraged** to verify that all inert ingredients have been approved for the application's uses or have an application pending with the Agency **even if a product is currently registered** by consulting the [inert Web site](#) and if the inert is not approved nor has an application pending with the Agency, to **obtain the necessary inert approval prior to submitting an application to register a pesticide product containing that inert ingredient**. Some inert ingredients are no longer approved for food uses or certain types of uses. The name and/or CAS number on a CSF must match the name and CAS number on this web site. Simple typographical errors in the name or CAS number have resulted in processing delays.

If an inert is not listed on the inert ingredient web site and the applicant believes that the inert has been approved, the applicant should contact the Inert Ingredient Assessment Branch (IIAB) at inertsbranch@epa.gov and resolve the issue. Copies of the correspondence with IIAB resolving the issue should accompany the application. All new inerts except PIP inerts are reviewed by IIAB. The IIAB should also be contacted for any questions on what supporting data needs to be submitted for and the Agency's inert review process. Questions on PIP inerts should be directed to the [Chief of Microbial Pesticides Branch](#).

When a brand, trade, or proprietary name of an inert ingredient is listed on a CSF, additional information such as an alternate name of the inert, CAS number or other information must also be included to enable the Agency to determine if it has been approved. Each component of an inert mixture (including a fragrance) must be identified. In some cases, the supplier of the mixture or fragrance may need to provide this information to the Agency. Prior to the Agency's receipt of an application, applicants must arrange with a proprietary mixture or fragrance supplier to provide the component information to the Agency or promptly upon EPA's request. If the inert ingredients in a proprietary blend (including fragrances) cannot or are not identified or provided within the 21-day content review period, the Agency will reject the application.

During the 21 day content review, applicants should submit information to the individual identified by the Agency when the applicant is informed of an unapproved inert.

Unapproved Inerts Identified on CSFs

All applications except conventional new products and PIPs

Once an unapproved inert is identified on a CSF, the Agency will contact the applicant with the following options:

1. Correct the application by, for instance, correcting the inert's identity or CAS number, providing documentation that the inert has been approved, or removing the unapproved inert from the CSF or replacing it with one that is approved for the application's uses; or
2. Provide the required information necessary to identify an inert approval application that is pending with the Agency; or
3. Submit the information and data needed for the Agency to approve the unapproved inert. If this option is selected and implemented, the Agency may request an extension in the PRIA decision review timeframe to accommodate the inert review/approval process;
4. Withdraw the application (the Agency retains 25% of the full fee for the fee category estimated); or

If none of these options is selected and implemented by the applicant within the 21 day content review period, the Agency will reject the application and retain 25% of the full fee of the category identified.

Conventional New Product Applications

When the Registration Division identifies an unapproved inert on a CSF with an application for a new product that the applicant has not identified as requiring an inert approval (R300 or R301), it will contact the applicant with the following options:

1. Correct the application by, for instance, correcting the inert's identity or CAS number, providing documentation that the inert has been approved, or removing the unapproved inert from the CSF or replacing it with one that is approved for the application's uses; or
2. Submit the information and data needed for the Agency to approve the unapproved inert, including any required petition to establish or amend a tolerance or exemption from a tolerance. (This option may change the PRIA category for the application, which could require a longer decision review time and a larger fee. If additional fees are due, they must be received by the Agency within the 21 day content review period.)

3. Withdraw the application (the Agency retains 25% of the full fee for the fee category estimated); or

If none of the above options is selected and implemented during the 21-day content-review period, the Agency will reject the application and retain 25% of the appropriate fee for the new product-inert approval category.

PIP Applications

When the Biopesticide and Pollution Prevention Division identifies an unapproved inert on a PIP CSF and a request to approve the inert does not accompany the application, it will contact the applicant with the following options:

1. Correct the application by, for instance, correcting the spelling or name of the inert to that in 40 CFR 174, or providing documentation that the inert has been approved; or
2. Submit the information and data needed for the Agency to approve the unapproved inert. If an inert ingredient tolerance exemption petition is required, the petition must be received by the Agency and the B903 fee paid within the 21 day period. If this option is selected and implemented, the Agency will discuss harmonizing the timeframe for both actions.
3. Withdraw the application (the Agency retains 25% of the full fee for the fee category estimated); or

If none of the above options is selected and implemented during the 21 day content review period, the Agency will reject the application and retain 25% of the fee.

B. A policy on documentation of offers to pay is still being developed, however, for a me-too or fast track (similar/identical) new product, R300 or A530, an application without the necessary authorizations of offers to pay will be placed into either R301 or A531. The Agency recommends that authorizations of offers to pay be submitted with other PRIA applications to avoid delays in the Agency's decision.

C. Biopesticide applicants are advised to contact the Agency and discuss study waivers prior to submitting their application to the Agency. Documentation of such discussions should be submitted with the study waiver.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 3, 2015

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

OPP Decision Number: D-502974
EPA File Symbol or Registration Number: 86794-1
Product Name: NEWAGCO GLYPHOSATE TECHNICAL
EPA Receipt Date: 30-Mar-2015
EPA Company Number: 86794
Company Name: NEWAGCO, INC.

ANN M. TILLMAN
PYXIS REGULATORY CONSULTING, INC.
NEWAGCO, INC.
4110 136TH ST., NW
GIG HARBOR, WA 98332-

SUBJECT: Receipt of Amendment and 50% Small Business Waiver Request

Dear Registrant:

The Office of Pesticide Programs has received your amendment, 50% small business waiver request, and certification of payment. If you submitted data with this amendment, the results of the PRN-2011-3 screen will be communicated separately. During the administrative screen, the Office of Pesticide Programs has determined that this Action is subject to a Pesticide Registration Service Fee as defined in the Pesticide Registration Improvement Act.

The Action has been identified as Action Code: R352

AMENDMENT ADDING ALREADY APPROVED USES; SELECTIVE METHOD OF
SUPPORT; DOES NOT APPLY IF THE APPLICANT OWNS ALL CITED DATA;

Your request for waiver has been forwarded for review. You will be notified in writing when a determination is made regarding your request. If your waiver request is approved, the decision review time period will start on the date of approval. If your waiver request is denied, you will receive an invoice for the outstanding balance. If you have any questions, please contact the Pesticide Registration Service Fee Ombudsman at (703) 347-8961.

Sincerely,

A handwritten signature in blue ink, appearing to read "m. jh.", is placed below the word "Sincerely,".

Front End Processing Staff
Information Technology & Resources Management Division

Fee for Service

{966271,~

This package includes the following

- ☐ New Registration
- ☒ Amendment

☐ Studies? ☒ Fee Waiver?
☐ volpay % Reduction: 50

for Division

- ☐ AD
- ☐ BPPD
- ☒ RD

Risk Mgr. 25

Receipt No.

S-

966271

EPA File Symbol/Reg. No.

86794-1

Pin-Punch Date:

3/30/2015

☐ This item is NOT subject to FFS action.

Action Code:

Requested: R352

Granted: R352

Amount Due: \$ 12,596

Parent/Child Decisions:

Parent: ~~86794-1~~

Child: 86794-2 S-966273
86794-3 S-966274

☒ Inert Cleared for Intended Use

☐ Uncleared Inert in Product

Reviewer: Jennifer Gaines

Date: 3/31/15

Remarks:

Receipt for Section 3

S: 966271

Milestone Email:

Regulatory Type: Product Registration - Section 3

Resubmission: ☐ Yes ☒ No

Print Letter

Application Type: Amendment

Fee For Service: ☐ Yes ☒ No

Enter More Information

Billable: ☒ Yes ☐ No

Tracking

Company: 86794 NEWAGCO, INC.

V

Risk Manager: Registration Division, Risk Management Team 25

Product #: 86794-1 Product Name: NEWAGCO GLYPHOSATE TECHNICAL

Override#:

Me Too

Me Too Product

Section3:

Name:

Application Date: 26-Mar-2015



OPP Rec'd Date: 30-Mar-2015



Front End Date: 30-Mar-2015



Risk Manager Send Date:



FFS Due Date:

Negotiated Due Date:

OPP Target Date:

Receipt Content

De

Paper Label

Electronic Label

III

View/Edit

Fast Track: ☐

New Ingredient: ☐

Receipt Description:

AMENDMENT

New Ingredient

Request Date:

New Ingredient

Received Date:

Form A: ☐

Signature Date:

Form B: ☐

Signature Date:

PYXIS REGULATORY CONSULTING, INC.

4110 136th St. NW
Gig Harbor, WA 98332

Phone: 253-853-7369
Fax: 253-853-5516
www.PyxisRC.com

March 24, 2015

COURIER DELIVERY

Mindy Ondish (PM 25)
Document Processing Desk (**REGFEE**)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202-4501

RE: NewAgco, Inc. – NewAgco Glyphosate Technical (EPA Reg. No. 86794-1)
Application to Amend Label
PRIA Category R352 (Primary Application)

Dear Ms. Ondish,

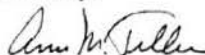
On behalf of NewAgco, Inc. I am submitting a label amendment for NewAgco Glyphosate Technical (EPA Reg. No. 86794-1) to add additional use sites which are found on the labels of currently registered manufacturing use and end use products.¹ In addition, the label is revised to comply with PRN 2007-4 for Storage and Disposal and to add a Disclaimer statement.

This submission is linked to two other amendments (NewAgco Glyphosate 62% MUP, EPA Reg. No. 86794-3, and NewAgco Glyphosate Fully Loaded 41 Plus, EPA Reg. No. 86794-2) which are submitted at the same time as this amendment. In support of this label amendment, the following documents are enclosed:

1. Application for Amendment (EPA Form 8570-1)
2. One copy of the NewAgco Glyphosate Technical label with tracked changes
3. Three (3) copies of the NewAgco Glyphosate Technical label with changes incorporated
4. Certification with Respect to Label Integrity
5. A CD containing an electronic version of the label
6. Certification with Respect to Citation of Data (EPA Form 8570-34)
7. Agency Internal Use Copy of the Data Matrix (EPA Form 8570-35)
8. Public File Copy of the Data Matrix (EPA Form 8570-35)
9. Copy of PRIA receipt from pay.gov
10. Small business waiver documentation
11. Letter of Authorization from Data Owner
12. Letter of Authorization from NewAgco, Inc.

NewAgco Inc. is using the selective method of data support (40 CFR Parts 152.90 – 152.96). NewAgco Inc. has provided a letter of authorization from Monsanto for reliance on its data. In addition, NewAgco Inc is a member in good standing with the Joint Glyphosate Task Force. This action falls under PRIA category R352 (58: Amendment adding already approved uses; selective method of support) but NewAgco Inc. requests a small business waiver (50%) to \$6,298. Please feel free to contact me by phone (253) 853-7369 or by email at Ann@PyxisRC.com if you have any questions or need any additional information.

Sincerely,



Ann M. Tillman

Enclosures

¹ Not all of these use sites, per se, are listed on Monsanto's Glyphosate technical label (EPA Reg. No. 524-420). However, these use sites are approved on the Monsanto manufacturing use label (524-333) and end use product label (524-475). NewAgco Inc. wanted to ensure that its technical label was as comprehensive as possible, despite the apparent oversight for listing these uses on the Monsanto Glyphosate technical label.



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☒ Amendment
☐ Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 86794-1	2. EPA Product Manager M. Ondish	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) NewAgco, Inc. / NewAgco Glyphosate Technical	PM# 25	
5. Name and Address of Applicant (Include ZIP Code) NewAgco, Inc. c/o Pyxis Regulatory Consulting, Inc. 4110 136th St NW Gig Harbor, WA 98332 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section - II

<input checked="" type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

This action falls under PRIA Category R352 (58: Amendment adding already approved uses; selective method of support). This primary application is linked to secondary application for NewAgco Glyphosate 62% MUP (EPA Reg. No. 86794-2). NewAgco Inc. requests a small business fee waiver (50%) and has paid the fee of \$6289.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Metal	
				<input type="checkbox"/> Plastic	
				<input type="checkbox"/> Glass	
				<input type="checkbox"/> Paper	
* Certification must be submitted				<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			<input type="checkbox"/> Other _____		

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)					
Name Ann M. Tillman		Title Agent		Telephone No. (Include Area Code) (253) 853-7369	
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.					6. Date Application Received (Stamped)
2. Signature 		3. Title Agent			
4. Typ - Name Ann M. Tillman		5. Date 3/26/15			

Nicki Purnell

From: notification@pay.gov
Sent: Thursday, March 26, 2015 1:41 PM
To: Nicki Purnell
Subject: Pay.gov Payment Confirmation: PRIA Service Fees

Your payment has been submitted to Pay.gov and the details are below. If you have any questions regarding this payment, please contact Michael Yanchulis at (703) 347-0237 or yanchulis.michael@epa.gov.

Application Name: PRIA Service Fees
Pay.gov Tracking ID: 25KGMK9C
Agency Tracking ID: 74776861492
Transaction Type: Sale
Transaction Date: 03/26/2015 04:40:48 PM EDT

Account Holder Name: Ann Tillman

Transaction Amount: \$6,289.00
Billing Address: 4110 136th St. NW
Billing Address 2:
City: Gig Harbor
State/Province: WA
Zip/Postal Code: 98332
Country: USA
Card Type: AmericanExpress
Card Number: *****1031

Registration Number: 86794-1
Company Name: NewAgco
Company Number: 86794
Action Code: R352

THIS IS AN AUTOMATED MESSAGE. PLEASE DO NOT REPLY.

MONSANTO



MONSANTO COMPANY
800 N. LINDBERGH BLVD.
ST. LOUIS, MISSOURI 63167
<http://www.monsanto.com>

May 10, 2013

Document Processing Center
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, Virginia 22202-4501

Attention: Kable Bo Davis
Team Leader 25

Subject: **Letter of Authorization to Refer to Monsanto Glyphosate Data for
NewAgco, Inc. (EPA Company Number 86794)**

Dear Mr. Davis:

Monsanto Company ("Monsanto") hereby grants NewAgco, Inc. ("NewAgco"), EPA Company Number 86794, authorization to cite any applicable Monsanto registration data to the extent specified below and solely for the uses described below.

NewAgco may only cite the following Monsanto registration data:

Guideline and non-guideline data (including weediness, weed resistance and Direction for Use data) submitted to or otherwise in EPA's files in support of registrations or uses approved by EPA on or before **April 13, 2012**, that pertain to glyphosate, glyphosate acid technical, or any salt of glyphosate and pertain to all conventional uses of glyphosate, and all glyphosate uses on or over-the-top of Roundup Ready alfalfa, Roundup Ready canola, Roundup Ready corn and/or Roundup Ready corn 2, Roundup Ready cotton and/or Roundup Ready Flex cotton, Roundup Ready soybean and/o: Roundup Ready 2 Yield soybean, and Roundup Ready sugar beets.

This authorization is granted solely to allow NewAgco to support the registration, within the U.S. only, of NewAgco pesticides containing glyphosate. The authorization includes the right to refer to Monsanto's glyphosate product-specific product chemistry or product-specific acute toxicology data for glyphosate, glyphosate acid technical, and any salt of glyphosate to support registration of NewAgco's manufacturing use products pursuant to 40 CFR Part 158 but not to support registration of NewAgco's end use products as defined in 40 CFR § 152.3, except NewAgco's end-use products containing the isopropylamine salt of glyphosate.

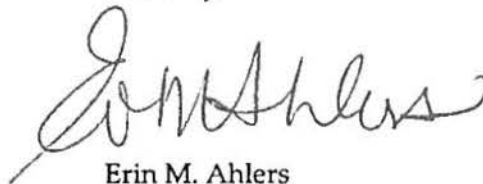
May 10, 2013

Page 2

This authorization includes the right of NewAgco to grant to its customers supplemental distribution rights for NewAgco's registered products for the uses described above and subject to the same restrictions and limitations contained herein.

The authorization is solely for the citation of data and does not authorize the release of these data or studies to NewAgco or any other party for either copying or viewing. NewAgco has no ownership interest whatsoever in any of Monsanto's data.

Sincerely,

A handwritten signature in black ink, appearing to read "Erin M. Ahlers", with a stylized, cursive script.

Erin M. Ahlers
Chemistry Regulatory Affairs
Existing Chemistries

cc: Dan Jenkins / Monsanto Company



June 16, 2011

To Whom It May Concern:

RE: Letter of Authorization

Dear Sir or Madam:

Please let this letter serve to confirm that Pyxis Regulatory Consulting, Inc. is authorized to act as agent for NewAgco Inc. (EPA Company Number 86794), before the U.S. Environmental Protection Agency and state governmental agencies in all matters regarding our pesticide registrations pursuant to the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA"), 7 U.S.C. § 136 et seq. and state law.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Kellman", is written over a vertical line.

Jerry Kellman
Treasurer
NewAgco Inc.

cc: Pyxis Regulatory Consulting, Inc.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
401 M Street, S.W.
WASHINGTON, D.C. 20460

Paperwork Reduction Act Notice: The public reporting burden for this collection of information is estimated to average 1.25 hours per response for registration and 0.25 hours per response for reregistration and special review activities, including time for reading the instructions and completing the necessary forms. Send comments regarding burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to: Director, OPPE Information Management Division (2137), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460. Do not send the completed form to this address.

Certification with Respect to Citation of Data

Applicant's/Registrant's Name, Address, and Telephone Number NewAgco Inc. c/o Pyxis Regulatory Consulting 4110 136th St. NW Gig Harbor, WA 253-853-7369	EPA Registration Number/File Symbol 86794-1
Active Ingredient(s) and/or representative test compound(s) glyphosate	Date 3/26/15
General Use Pattern(s) (list all those claimed for this product using 40 CFR Part 158) TGA1	Product Name NewAgco Glyphosate Technical

NOTE: If your product is a 100% repackaging of another purchased EPA-registered product labeled for all the same uses on your label, you do not need to submit this form. You must submit the Formulator's Exemption Statement (EPA Form 8570-27).

☐ I am responding to a Data-Call-In Notice, and have included with this form a list of companies sent offers of compensation (the Data Matrix form should be used for this purpose).

SECTION I: METHOD OF DATA SUPPORT (Check one method only)

☐ I am using the cite-all method of support, and have included with this form a list of companies sent offers of compensation (the Data Matrix form should be used for this purpose).

☒ I am using the selective method of support (or cite-all option under the selective method), and have included with this form a completed list of data requirements (the Data Matrix form must be used).

SECTION II: GENERAL OFFER TO PAY

[Required if using the cite-all method or when using the cite-all option under the selective method to satisfy one or more data requirements]

☐ I hereby offer and agree to pay compensation, to other persons, with regard to the approval of this application, to the extent required by FIFRA.

SECTION III: CERTIFICATION

I certify that this application for registration, this form for reregistration, or this Data-Call-In response is supported by all data submitted or cited in the application for registration, the form for reregistration, or the Data-Call-In response. In addition, if the cite-all option or cite-all option under the selective method is indicated in Section I, this application is supported by all data in the Agency's files that (1) concern the properties or effects of this product or an identical or substantially similar product, or one or more of the ingredients in this product; and (2) is a type of data that would be required to be submitted under the data requirements in effect on the date of approval of this application if the application sought the initial registration of a product of identical or similar composition and uses.



I certify that for each exclusive use study cited in support of this registration or reregistration, that I am the original data submitter or that I have obtained the written permission of the original data submitter to cite that study.

I certify that for each study cited in support of this registration or reregistration that is not an exclusive use study, either: (a) I am the original data submitter; (b) I have obtained the permission of the original data submitter to use the study in support of this application; (c) all periods of eligibility for compensation have expired for the study; (d) the study is in the public literature; or (e) I have notified in writing the company that submitted the study and have offered (i) to pay compensation to the extent required by sections 3(c)(1)(F) and/or 3(c)(2)(B) of FIFRA; and (ii) to commence negotiations to determine the amount and terms of compensation, if any, to be paid for the use of the study.

I certify that in all instances where an offer of compensation is required, copies of all offers to pay compensation and evidence of their delivery in accordance with sections 3(c)(1)(F) and/or 3(c)(2)(B) of FIFRA are available and will be submitted to the Agency upon request. Should I fail to produce such evidence to the Agency upon request, I understand that the Agency may initiate action to deny, cancel or suspend the registration of my product in conformity with FIFRA.

I certify that the statements I have made on this form and all attachments to it are true, accurate, and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

Signature 	Date 3/26/15	Typed or Printed Name and Title Ann M. Tillman, Agent
---------------	-----------------	--

Recommendation of Division Directors Negotiated Due Dates		
Decision #: 422373, 422614	Registration #: 86794-R , 86794-E	Petition #: NA
Fee Category: R310		PRIA Decision Time Frame: 6 months
Submitted by: Jim Tompkins	Branch: HB	Date: 08/5/2010
Company: NewAgco Inc.		
Original Due Date: June 3, 2010	Proposed New Due Date: November 16, 2010	
Previous Negotiated Due Dates: 8/16/10		
Is the "Fix" in-house? No	If not, date "Fix" expected: August 6, 2010	
Issue (describe in detail): TRB concluded that MRIDs cited for Group B product chemistry data do not support 86794-R. 86794-E is an end use product that depends on 86794-R as the source of the active ingredient.		
Summary of Deficiency Type(s): Not Submitted (N) Deficiencies (D) Product Chemistry: <u>D</u> Acute Tox: <u> </u> Efficacy: <u> </u> Labeling: <u> </u> Other (describe): <u> </u>		
Describe Interactions with Company (describe when contacted and company's response including response to previous negotiated due dates): The consultant is new to pesticide registration and has had some false starts with addressing the Group B data. The Consultant has discussed the deficiency with Dr. Hari of TRB. Dr Hari has provided the consultant with specific instructions on how to address the deficiencies in the Group B data.		
"75 Day" Letter sent? (Date sent) Yes <u> X </u> No and reason for none? The registrant has been talking with TRB and responding to deficiencies before 75-day letter is prepared.		
Rationale for Proposed Due Date: Provides adequate time for TRB/registrant to work out the problems with the Group B Chemistry Data, TRB to review and accept the Group B data, and RD to complete its review.		
Registrant notified that this is the last negotiation? <u> </u> Yes Not Grant will be issued if Group B submission fails again.		
Approve: 	Disapprove:	
If disapproved, action to be taken:		
OD or DOD Signature: 	Date: 8-12-10	